



September 3, 2009

05-CV-8136

To:

Office of the Clerk, J. Michael McMahon
U.S. District Court for the Southern District of New York

Google, Inc. has been scanning texts available at university libraries in the United States and recording that digital information without any prior consent from copyright holders and publishers as part of its business endeavor called the Google Books Library Project.

Despite claiming that the scanned texts would be out-of-print books or books not being sold, Google has interpreted this to mean books not being sold in the United States; and the company has proceeded to scan books that are still currently in print and circulating in Japan. In fact, we have learned that Google, Inc. has either already digitized or plans to digitize, without receiving our permission, 110 titles that we have published.

Please note that our company Gendaishicho-shinsha was formerly named Gendaishicho-sha; and that we have retained all rights of publication for the books that were published under that former name.

For the reasons listed below, Gendaishicho-shinsha protests the actions carried out by Google, Inc. and demands that Google, Inc. immediately cease its digitalization and release to the public of books published by Gendaishicho-shinsha.

- (1) We strongly reject the action carried out by Google, as it infringes upon the publication and sale of books based upon contracts signed between the author (copyright holder) and the publishing company.
- (2) Google, Inc. has scanned and digitalized books that we currently publish for its Google Books Library Project, despite having claimed that this project would only involve out of print books or books not currently being sold. Moreover, Google, Inc. claims to have reached a settlement with us regarding the 388 titles that we publish, whereas in fact we have never reached an agreement of any kind with Google, Inc.
- (3) We believe that it is unjust, in the first place, for Google, Inc. to scan books for commercial purposes without the prior consent of the author (copyright holder). This action is a gross violation of the copyright laws of Japan.
- (4) Even if Google, Inc.'s digitalization of books were in fact limited to out-of-print books or books not being sold, Gendaishicho-shinsha would still object to the actions of a private US company that scans such books and offers them to the public on the Internet.

For the four reasons stated above, Gendaishicho-shinsha herein declares to the U.S. District Court for the Southern District of New York that it is **opting out** of the Google Book Settlement.

Sincerely yours,

Gendaishicho-shinsha
Kazufumi Watanabe (President)

A handwritten signature in black ink, appearing to read "Kazufumi Watanabe", written over the typed name.